

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
City Hall Training Room**

Monday, November 27, 2017

**Attending:**

Council Member John Mickelson  
Council Member Jim Sandager  
City Manager Tom Hadden  
Deputy City Manager Jamie Letzring  
City Attorney Richard Scieszinski  
Assistant City Attorney Greta Truman

Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Chief Building Official Rod Van Genderen  
Principal Engineer Ben McAlister  
Planner Brian Portz  
Planner Brad Munford

Guests:

Item #1 – Jim Miller

Item #4a – Jeremy Christiani

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 a.m.

**1. VJ Commercial Historic District: Consideration of local preservation guidelines or regulations on historic properties within the district**

Development Coordinator Schemmel provided background regarding the October designation of a portion of the Valley Junction Historical District being placed on the National Registry of Historic Places. She provided a map showing the 52 historic properties along 5<sup>th</sup> Street and adjacent which are covered by this designation. Ms. Schemmel then asked the Subcommittee if there is interest in the City adding preservation guidelines in City code for the designated historic district or for the larger Valley Junction Historic Business zoning district. Jim Miller, Valley Junction Foundation, indicated his support, and Council Member Jim Sandager expressed his support as well, adding that he felt it would be better to match the historic district area and requirements, as applying the same requirements to the rest of the Business District might create more pushback. Council Member Mickelson added approval, however noted that he did not want to create three layers which were in conflict or somehow delayed the approval process unnecessarily. Coordinator Schemmel indicated that it was not Staff intent to delay the approval, and stated that having staff verify historical requirements as part of the application process, with review by Council as needed rather than establishing a historic review board, should streamline the process. The Valley Junction Foundation will also be reviewing the applications as part of the National Registry process to be qualify for tax credits and incentives. There was additional discussion regarding how requirements are applied to structures with historic use, or considered historic based on architecture. City owned buildings in the historic district are the Valley Junction Activity Center, (formally the American Legion), Historic City Hall and the West Des Moines Incubator (formerly City Hall and Human Services), and are valued more for their historical use rather than architecture, although all are good representations of the architectural style when they were constructed. Several structures in the district are considered non-contributing properties as they do not have architectural or historic significance.

*Direction: Subcommittee Members were supportive of establishing local historic preservation guidelines to those parcels included in the National Registry of Historic Places Historic District.*

**2. Alternative Dwellings: Definitions and Performance Standards**

Development Coordinator Schemmel provided a chart defining terms and revising language pertaining to Alternative Residential Dwellings and recommended performance standards. Definitions added included Park Home, Park Model and Tiny Home. Revised definitions included Dwelling, Dwelling Unit, Factory Built Modular Structures, Manufactured Home, Mobile Home, Mobile Home Park, Recreational Vehicle

and Tiny Home. Performance standards and use matrix were provided for Manufactured and Mobile Homes, Park Home, Park Model, Recreational Vehicle, and Tiny Home.

There was a brief discussion regarding placement of tiny homes as a secondary dwelling on a single family property.

Council Member Sandager asked where the restrictions of 400sf came from. Ms. Schemmel replied that this number is drawn from the regulations that govern construction standards for these structures (HUD, ANSI and building codes.) As a city, West Des Moines does not have a minimum square footage requirements for single family dwellings. Ms. Schemmel then asked whether the Subcommittee would be concerned if a primary structure was smaller than its accessory buildings, which could happen with these structure types.

Council Member Mickelson responded that the only harm might be that it would look goofy. He asked whether the requirements of one primary structure per lot would remain the same.

Director Twedt responded that it would, but it is more likely to be proposals for placement of these structure types as a second home on the lot rather than the primary structure. This then has the potential to become a rental unit.

Council Member Sandager asked if this would be similar to a pool house, which could potentially be used as a second dwelling on a lot. Director Twedt replied that if the pool house functions as a second dwelling unit, those are not allowed in some residential zoning districts.

Deputy City Manager Letzring questioned if there is a minimum residential building size per code. Chief Building Official Van Genderen responded that there are some exceptions that could enable these smaller homes. He stated that the hope is that the main trend behind the current tiny homes would lead to state requirements similar to manufactures homes governing the design and build of the structures. Staff is primarily concerned with residents choosing to custom design and build their own structures.

Ms. Schemmel noted that because of State code, the City is very limited on how they can regulate Manufactured Homes. She then asked if the Subcommittee would support use of these structures as a 2<sup>nd</sup> dwelling unit. Council Member Sandager asked if staff are seeing a demand. Coordinator Schemmel responded that there have been 2-3 this year, mostly for manufactured homes temporarily placed on a lot while a home was being constructed. Director Twedt inserted that there is then the possibility that the home will not go away, but will remain occupied possibly by relatives or as a rental. Council Member Sandager recommended waiting until there is a demand before addressing it as a second dwelling unit.

Ms. Schemmel then detailed the park home definitions and limits, noting that these are not considered real property for tax purposes, and cannot connect to City services of water and sewer. The recommendation is to allow use as a rental within a camping park only. Ms. Twedt inserted that Parks & Rec department is looking at these for use in City Parks. Ms. Schemmel asked whether Subcommittee would support use as an air B&B or rental outside a camping area. Council Member Mickelson stated they would not.

Coordinator Schemmel stated regarding the implementation of tiny homes (which are considered real property), they would be treated the same as a regular home on a lot.

*Direction: Subcommittee Members were supportive of adopting the new definitions and standards pertaining to Alternative Residential Dwellings.*

### **3. Review of Site Plan for Permitted Conditional Use projects**

Development Director Twedt provided a summary of the recent change of process whereby the Board of Adjustment makes decisions regarding variances without staff recommendation, using staff and applicant findings. During that procedural change, it was discovered that Board members felt their decisions pertaining to conditional use should be limited to use only and not to approving site plans.

*Direction: Subcommittee Members were supportive of enabling the process for Plan and Zoning Commission and Council approving site plans related to permitted conditional uses rather than the Board of Adjustment.*

**4. Upcoming Projects – A map was provided with a brief description of each.**

- a. Amendment to City Code for Distilleries with Tasting Room Establish regulations for distilleries with a tasting room and allowance in Commercial zoning districts (November 27, 2017 Council agenda) (AO-003660-2017)

Planner Brian Portz explained that this item was reviewed by the Plan and Zoning Commission at the last two meetings, with questions from the Commission answered by the Fire Marshal. This item was approved with the amendment to remove as an allowed use in neighborhood commercial district.

Council Member Sandager asked guest Jeremy Christiani if this had addressed his concern. Mr. Christiani disagreed and stated his concern is that the current code was not restrictive enough to move forward with this amendment, nor was the code being enforced. He detailed apparent code violations existing at the Foundry and proposed for future use through Foundry website advertising and he asked for City attention to the matter. He specifically noted a proposed interior mezzanine lacking fire suppression, existing stacked containers of liquid flammable substances, grain milling in larger than proposed quantity with unmitigated dust, and use of an unlisted still. He also noted advertising pictures depicting use of forklifts in an area with flammable product near customers. Mr. Christiani recommended that Council delay approval of the distillery ordinance until the Code is amended to address all safety concerns, and to ensure that enforcement of existing code is consistent. Mr. Christiani also mentioned that Denver and cities in Oregon have more restrictive codes pertaining to distilleries.

Council Member Sandager asked staff about the review process, and which parts of the Foundry project had been reviewed, or were still under review. Ms. Schemmel noted that the Fire Marshal stated that the city's local amendments to the codes are more restrictive than Denver's code, which he had reviewed. Also, the Foundry plans for shell structure had been reviewed and were approved and the tenant improvements should be submitted shortly. Staff will be inspecting any improvements to determine if what the Foundry constructed was built according to their approved plans and code, and will follow up with the applicant on whether the uses as advertised on the website exceed what was approved on the planning application for the project.

Council Member Mickelson agreed that staff should review to see if the Foundry had plans to construct according to the advertising pictures, noting that insurance is unlikely to allow some of the types of activity depicted, such as the forklifts near customers.

*Direction: Subcommittee Members asked staff to review the construction and proposed use at the Foundry.*

- b. Side Yard Setback Variance (5673 Flagstone Way): 5' reduction of the required 25' side yard setback to construct a single family residence. BOA review (VAR-003681-2017)

Planner Portz explained the variance request. Director Twedt inserted that the home had been designed right up against the easement, and reminded Subcommittee that the easements had been planned very carefully to protect any structure above it from being damaged by any necessary digging and repairs to the buried pipeline.

## 5. Minor Modifications

- a. 3655 SE Army Post Road Cell Antenna: Antenna co-locate on existing tower (MM-003696-2017)
- b. The Flats Garage Remodel (3000 University Avenue): Add garage door to existing maintenance building and remodel pool shower (MML1-003687-2017)
- c. True Value and Sully's Site Modifications (SW corner of 1<sup>st</sup> Street and Grand Avenue): Replace pavement on the south side of True Value and Sully's, replace True Value sign and adjust landscape island and parking spaces (MML1-003688-2017)
- d. Chick-fil-A Drive Thru Canopy (6555 Mills Civic Parkway): Reconstruct a canopy over the drive-thru and modify the parking lot and drive aisle to allow for emergency access (MML1-003698-2017)

Council Member Sandager asked why the canopy was being replaced. Director Twedt noted that the drive aisle had been narrow to begin with, and the current canopy creates a visibility issue. Installation of the new canopy to improve visibility will require the removal of 2-3 parking spaces.

- e. Phenix Apartments (415 7<sup>th</sup> Street): Conversion of existing school building to apartments (MML2-003692-2017)

## 6. Other Matters – None

The meeting adjourned at 8:49 a.m. The next regularly scheduled Development and Planning City Council Subcommittee is December 11, 2017.

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Linda Schemmel, Development Coordinator

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Jennifer Canaday Recording Secretary